

REMARKS

This is in response to the Official Action currently outstanding with regard to the above-identified application, which Official Action the Examiner has designated as being FINAL, and to the Advisory Action of 27 May 2009 in the above-identified application.

Claims 1-6 and 8 were pending at the time of the issuance of the currently outstanding Official Action. The foregoing Amendment proposes that Claims 1-4 and 8 be canceled, without prejudice, and that Claims 5 and 6 be amended so as to replace the period at the end of the next to the last paragraphs thereof to be a comma. Otherwise, the foregoing Amendment does not propose any addition of withdrawal of any claims. Accordingly, in the event that the Examiner grants entry to the foregoing Amendment, Claims 5 and 6 as hereinabove amended will constitute the claims under active consideration in this application.

The claims as they will stand in the event that the Examiner grants entry to the foregoing Amendment are reproduced above showing the changes made and with appropriate status identifiers as required by the Rules.

Specifically, in the currently outstanding non-final Official Action, the Examiner has:

1. Not re-acknowledged Applicants' claim for foreign priority under 35 USC 119 (a)-(d) and (f), and not reconfirmed the receipt of the required copies of the priority documents by the United States Patent and Trademark Office. – **Applicants respectfully note that the Examiner acknowledged and confirmed the appropriate completion of these requirements by the Applicants in the previous Official Action in the above-identified application.**

2. Not reconfirmed his acceptance of the drawings as filed in this application on
8 February 2006. - **Applicants respectfully note that the Examiner acknowledged and confirmed the appropriate completion of this requirement by the Applicants in the previous Official Action in the above-identified application.**
3. Provided Applicants with a Notice of References Cited (Form PTO-892)
4. Not provided Applicants with copies of the Forms PTO/SB/08a/b that accompanied their Information Disclosure Statements of 8 February 2006 and 27 June 2006 respectively duly signed, dated and initialled by the Examiner in confirmation of his consideration of the art listed therein – **Applicants respectfully note that their previous reference to an Information Disclosure Statement filed on or about 19 May 2008 was in error and thank the Examiner for his clarification of that inadvertent error by Applicants,**
5. Rejected claims 1-2 under 35 USC §102(b) as being anticipated by Naruse et al (JP No. 01-200965);
6. Rejected claims 3, 4 and 8 under 35 USC §103(a) as being unpatentable over Naruse, et al in view of Kato et al (JP 2002-172786)
7. Indicated that Claims 5 and 6 were allowed.

No further comment regarding items 1-6 above is deemed to be required in these Remarks. This is because in the event that the Examiner grants entry to the foregoing Amendment, heretofore rejected Claims 1-4 and 8 will stand as being canceled, without prejudice, along with Claim 7 that was previously canceled, without prejudice.

Accordingly, since only Claims 5 and 6, that have previously been indicated by the Examiner to be allowed, would remain in this application (with a minor change to the punctuation thereof) in the event of the entry of the foregoing Amendment, Applicants respectfully submit that pursuant to 37 CFR 1.116 entry of the foregoing Amendment would place this application in condition for allowance. In this regard, Applicants have noted that the Examiner objected to Claims 5 and 6 in the Advisory Action of 27 May 2009, but that at no point therein did the Examiner point out any reason for his objection of the previously allowed Claims 5 and 6. Hence, it is Applicants' belief that the Examiner simply placed Claims 5 and 6 of the wrong line of the Advisory Action Summary page and did not intend to revoke his previous allowance thereof.

Therefore, it is believed that the claims of this application as they will stand in the event that the Examiner grants the entry of the foregoing Amendment are patentable. Hence, Applicants respectfully request the entry of the foregoing Supplemental Amendment After Final Rejection Under 37 CFR 1.116, reconsideration and allowance of this application in response to this submission.

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Moreover, Applicant believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: June 26, 2009


SIGNATURE OF PRACTITIONER

Reg. No.: 27,840

David A. Tucker
(Type or print name of practitioner)
Attorney for Applicant(s)

Tel. No. (617) 517-5508

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
P.O. Address

Customer No.: 21874

Boston, MA 02205